

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADAAdmiral Insurance Company,
Plaintiff

v.

Kabul, Inc., et al.,
Defendants

Case No. 2:22-cv-00177-CDS-NJK

Order Denying Stipulation to Extend Time
to File a Proposed Joint Pretrial Order

[ECF No. 151]

On September 17, 2024, defendant/third-party plaintiff Kabul, Inc. and third-party defendant Gregg Eidsness Farm Bureau Financial Services (collectively the “parties”) submitted a stipulation to extend the deadline to submit their proposed joint pretrial order (JPTO), which was due on September 13, 2024. *See* ECF No. 151. Therein, they seek a 90-day extension of the deadline to file the JPTO, representing that there is good cause for the extension as the parties are discussing settlement and looking to participate in mediation. *Id.* at 2. Indeed, scheduling orders “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “Rule 16(b)’s ‘good cause’ standard primarily considers the diligence of the party seeking the amendment.” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). The court cannot find good cause here. The stipulation was filed four days after it was due, and the existence of potential settlement negotiations does not constitute good cause to modify a scheduling order. *See, e.g., Gerawan Farming, Inc. v. Rehrig Pac. Co.*, 2013 U.S. Dist. LEXIS 24092, 2013 WL 645741, at *5 (E.D. Cal. Feb. 21, 2013). Neither party has shown that the settlement discussions would prevent the parties from exercising diligence to adhere to the existing case schedule.

Conclusion

Accordingly, the stipulation to extend time to file a proposed joint pretrial order [ECF No. 151] is denied without prejudice. The parties must file a proposed order by November 7, 2024. The parties are further ordered to file a joint status report providing the status of settlement or their mediation efforts by the same date.

Dated: October 7, 2024



Cristina D. Silva
United States District Judge